



House of Representatives

General Assembly

File No. 347

February Session, 2016

Substitute House Bill No. 5386

House of Representatives, March 31, 2016

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING VOTES FOR CROSS ENDORSED CANDIDATES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (b) and (c) of section 9-242 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (b) [It] Any such voting tabulator shall be so constructed as to
5 prevent an elector from voting for more than one person for the same
6 office, except when the elector is lawfully entitled to vote for more than
7 one person for that office, and [it] such voting tabulator shall afford the
8 elector an opportunity to vote for only as many persons for that office
9 as the elector is by law entitled to vote for, at the same time preventing
10 the elector from voting for the same person twice. [It] Such voting
11 tabulator shall be so constructed that all votes cast will be registered or
12 recorded by the tabulator. In the event that a candidate is cross
13 endorsed and an elector casts more than one vote for such candidate,

14 such vote shall be deemed an unassigned vote and shall be attributed
15 by the head moderator to the endorsing parties as provided for in this
16 subsection. The head moderator shall (1) determine the percentage of
17 all attributable votes the candidate received that are attributable to
18 each endorsing party, (2) determine the number of ballots upon which
19 an elector voted for the candidate more than once, and (3) apply the
20 percentage determined under subdivision (1) of this subsection for an
21 endorsing party to the total determined under subdivision (2) of this
22 subsection. The resulting number from the calculation under
23 subdivision (3) of this subsection shall be the number of votes the head
24 moderator attributes to the endorsing party associated with the
25 percentage used in the calculation under subdivision (3) of this
26 subsection. The head moderator shall repeat the calculation in
27 subdivision (3) of this subsection for each endorsing party. For any
28 result under subdivision (3) of this subsection that is a fractional
29 number, the head moderator shall round such result to the nearest
30 whole number, provided a half number shall be rounded to the next
31 highest whole number, and provided further that each such endorsing
32 party with a percentage greater than zero under subdivision (1) of this
33 subsection shall [receive] be attributed at least one such vote, with the
34 remaining parties [receiving] being attributed a proportional reduction
35 in votes, if necessary. If any vote remains that can not be evenly
36 attributed to such parties, such vote shall be attributed to the
37 endorsing party with the most votes.

38 (c) Notwithstanding the provisions of subsection (b) of this section,
39 the Secretary of the State may approve a voting tabulator which
40 requires the elector in the polls to place the elector's ballot into the
41 recording device and which meets the voluntary performance and test
42 standards for voting systems adopted by (1) the Federal Election
43 Commission on January 25, 1990, as amended from time to time, or (2)
44 the Election Assistance Commission pursuant to the Help America
45 Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended from time
46 to time, whichever standards are most current at the time of the
47 Secretary of the State's approval, and regulations which the Secretary
48 of the State may adopt in accordance with the provisions of chapter 54,

49 provided the voting tabulator shall (A) warn the elector of overvotes,
50 (B) not record overvotes, and (C) not record more than one vote of an
51 elector for the same person for an office. In the event that a candidate is
52 cross endorsed and an elector casts more than one vote for such
53 candidate, such vote shall be deemed an unassigned vote and shall be
54 attributed by the head moderator to the endorsing parties as provided
55 for in this subsection. The head moderator shall (i) determine the
56 percentage of all attributable votes the candidate received that are
57 attributable to each endorsing party, (ii) determine the number of
58 ballots upon which an elector voted for the candidate more than once,
59 and (iii) apply the percentage determined under subparagraph (C)(i) of
60 this subsection for an endorsing party to the total determined under
61 subparagraph (C)(ii) of this subsection. The resulting number from the
62 calculation under subparagraph (C)(iii) of this subsection shall be the
63 number of votes the head moderator attributes to the endorsing party
64 associated with the percentage used in the calculation under
65 subparagraph (C)(iii) of this subsection. The head moderator shall
66 repeat the calculation in subparagraph (C)(iii) of this subsection for
67 each endorsing party. For any result under subparagraph (C)(iii) of
68 this subsection that is a fractional number, the head moderator shall
69 round such result to the nearest whole number, provided a half
70 number shall be rounded to the next highest whole number, and
71 provided further that each such endorsing party with a percentage
72 greater than zero under subparagraph (C)(i) of this subsection shall
73 [receive] be attributed at least one such vote, with the remaining
74 parties [receiving] being attributed a proportional reduction in votes, if
75 necessary. If any vote remains that can not be evenly attributed to such
76 parties, such vote shall be attributed to the endorsing party with the
77 most votes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	9-242(b) and (c)
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Statement of Legislative Commissioners:

In Subsecs. (b)(1) and (c)(2)(C)(i), the new term "unassigned" was deleted and the existing term "attributable" was restored for accuracy.

GAE *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which creates a classification for the votes that cross-endorsed candidates receive when electors vote under more than one party designation, will not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5386*****AN ACT CONCERNING VOTES FOR CROSS ENDORSED CANDIDATES.*****SUMMARY:**

This bill names so-called “unknown” votes “unassigned” votes (i.e., votes cross-endorsed candidates receive when electors vote for them under more than one party designation). The bill does not affect the formula the law sets for allocating these votes, which is based on the percentage of votes candidates receive under each party designation.

The bill also makes several technical changes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 0 (03/11/2016)